

United States Court of Federal Claims

No. 17-9002

Filed: January 8, 2019

IN RE DOWNSTREAM ADDICKS
AND BARKER (TEXAS) FLOOD-
CONTROL RESERVOIRS

THIS DOCUMENT APPLIES TO:

ALL DOWNSTREAM CASES

ORDER

On January 2, 2019, defendant filed a Motion to Stay all pre-trial deadlines and trial date due to the absence of appropriations to the Department of Justice. *See* Motion to Stay (hereinafter “Mot. to Stay”) at 1. Additionally, defendant states that “absent an appropriation, Department of Justice attorneys and these federal employees are prohibited from working, even on a voluntary basis, except in very limited circumstances, including ‘emergencies involving the safety of human life or the protection of property.’” *Id.* at 2 (citing 31 U.S.C. § 1342). On January 4, 2019, plaintiff filed a response to defendant’s Motion, objecting to the stay as premature. However, due to the nature of a lapse in appropriations, the Court sees no reasonable option other than to grant defendant’s motion.

On January 8, 2018, the *In re Downstream Addicks and Barker (Texas) Flood-Control Reservoirs* sub-master docket was reassigned to Judge Loren A. Smith. Upon a cursory review of the sub-docket, it seems clear to this Court that the current pre-trial and trial schedule is infeasible and inoperable. As a result, all future deadlines are hereby **VACATED**. A scheduling conference will be arranged once funding to the Department of Justice has been appropriated.

For good cause shown, defendant’s Motion is hereby **GRANTED**. Accordingly, all cases in the *In re Downstream Addicks and Barker (Texas) Flood-Control Reservoirs* sub-master docket are **STAYED** pending a scheduling conference to take place after Congress restores funding for the Department of Justice.

IT IS SO ORDERED.

s/ *Loren A. Smith*

Loren A. Smith,
Senior Judge